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# *Citizens' Guide*

## Official Plans



## Introduction

Land use planning affects almost every aspect of life in Ontario. It helps decide where in our communities homes and factories should be built; where parks and schools should be located; and where roads, sewers and other essential services should be provided.

Land use planning means managing our land and resources. It helps each community to set goals about how it will grow and develop and to work out ways of reaching those goals while keeping important social, economic and environmental concerns in mind. It balances the interests of individual property owners with the wider interests and objectives of the whole community.

Good planning leads to orderly growth and the efficient provision of services. It touches all of us and helps us to have the kind of community we want.

But often we don't see how it affects our lives and property each day. And it often seems confusing.

A series of Citizens' Guides has been prepared to help you understand how the land use planning process works in Ontario. They are intended to give general information only and are not an interpretation of the Planning Act or any other act. You should refer to the legislation for specific requirements and procedures. The titles of the guides are:

1. The Planning Act
2. Official Plans
3. Zoning By-laws
4. Subdivisions
5. Land Severances
6. Ontario Municipal Board
7. Northern Ontario
8. Building Permits
9. One-Window Provincial Planning Service/  
Municipal Plan Review
10. Making Mediation Work For You

## What is an Official Plan?

An official plan describes your local or county or regional council's policies on how land in your community should be used. It is prepared with input from you and your fellow citizens and helps to ensure that future planning and development will meet the specific needs of your community.

An official plan deals mainly with issues such as:

- where new housing, industry, offices and shops will go
- what services like roads, watermains, sewers, parks and schools will be needed
- when and in what order parts of your community will grow

## Why do you need an official plan?

Your municipality's official plan:

- lets the public know what the municipality's general land use planning policies are
- makes sure that growth is coordinated and meets your community needs
- helps all members of your community understand how their land can be used now and in the future
- helps decide where roads, watermains, sewers, garbage dumps, parks and other services will go
- provides a framework for setting local regulations and standards, like the size of lots and height of buildings
- provides a way to evaluate and settle conflicting land uses while meeting local, regional and provincial interests
- shows your council's commitment to the planned growth of your community

*Citizens' guides*



## What is the official plan process?

### Pre-consultation, public meeting and input

When it is considering an official plan, your local council, planning board or municipal planning authority must ensure that:

- the appropriate approval authority is consulted
- at least one public meeting is held, notice of which must be given at least 20 days ahead of time, usually through local newspapers or by mail
- adequate information, including a copy of the proposed plan, is made available to the public in advance of the public meeting

Any person or public body present at the public meeting has a right to speak about the proposed plan.

The council may consult with agencies, boards, authorities or commissions before making a decision.

When council prepares an official plan, it shall have regard to the Provincial Policy Statement issued under the Planning Act. The Provincial Policy Statement contains clear, overall policy directions on matters of provincial interest related to land use planning and development. The “shall have regard to” rule means that a council is obliged to consider the application of a specific policy statement when carrying out its planning responsibility. It is expected that the council will implement the Provincial Policy Statement in the context of other planning objectives and local circumstances. (See The Planning Act, No. 1 in the series, and the Provincial Policy Statement. Both may be obtained through the government offices listed at the end of this guide.)

### An official plan may come into effect in one of two ways:

1. Plans exempt from approval - under this process, the Minister of Municipal Affairs and Housing has exempted the official plan and any or all amendments to it from the requirement for approval. The minister may also authorize other approval authorities (such as a regional municipality) to exempt any or all local official plans and amendments from the requirement for approval. Under the exemption system, after the

council adopts the plan and gives a notice of adoption, any person or public body may appeal the council’s decision to adopt directly to the Ontario Municipal Board within the 20-day appeal period. If there is no appeal, the official plan comes into effect on the day after the appeal period expires.

The Ontario Municipal Board is an independent administrative tribunal responsible for hearing appeals and deciding on a variety of contentious municipal matters. (See the Ontario Municipal Board, No. 6 in the series.)

2. Plans not exempt from approval - under the approval system, after the council adopts an official plan, it is submitted to the appropriate approval authority for approval.

When it submits a proposed official plan to the approval authority for approval, the municipality is required to provide all the information prescribed by minister’s regulation as well as other additional information which the approval authority may require. The more information provided the less likely delays will occur in the review.

If the municipality does not provide all the information prescribed by minister’s regulation, the approval authority may refuse to accept or to further consider the official plan. A 90-day time frame for making a decision does not begin until all the prescribed information is received by the approval authority.

The approval authority makes sure that comments, concerns or suggestions from anyone interested in the plan are considered. This means that there may have to be negotiations with other ministries, local authorities and with members of municipal council and staff.

The approval authority may approve, approve as modified, or refuse to approve all or parts of the official plan and a notice of decision is given. Any person or public body may appeal the approval authority’s decision to the Ontario Municipal Board within the 20-day appeal period. If there is no appeal, the official plan comes into effect on the day after the appeal period expires.



Most regional and district municipalities are the approval authority for local official plans and amendments. In all other cases, the Minister of Municipal Affairs and Housing is the approval authority. As more counties have new official plans coming into effect, they will become the approval authority for local official plans and amendments. To find out about the approval authority in your area, contact your municipal or planning board office.

## What happens next?

Once an official plan is in effect, it guides all of the municipality's planning decisions. It means that:

- the local council and municipal officials must follow the plan
- all new services, sewer or watermain, for example, must conform to the plan
- all zoning by-laws must comply with the official plan.

Official plans for counties and regions deal with broad planning issues that affect more than one municipality. All local official plans and zoning by-laws must conform to the county or regional plan.

However, an official plan is not set forever. The plan can also be changed or **amended** as the community's needs change.

## How can you get involved?

You can take part in planning the future of your community by:

- finding out as much as you can about the proposed official plan
- thinking about how the plan might affect you, your property and your community
- going to any information sessions that are held to explain the plan and to the public meetings where the plan is discussed
- giving your opinions at the meetings or writing to your municipal councillor or municipal staff

- working with council and the municipal staff to resolve your concerns

If you have any concerns, you should make sure that you let council know about them early in the process. Council will then have time to think about what you've said and may make changes before the plan is adopted.

You should be aware that the Ontario Municipal Board may dismiss an appeal without holding a hearing if an appellant has not made oral submissions at a public meeting or provided council with written submissions before the plan is adopted. (See the Ontario Municipal Board, No. 6 in the series.)

## What rights of appeal do you have?

Appeals to the Ontario Municipal Board (OMB) can be made in five different ways:

1. A proponent of an official plan amendment may appeal to the OMB if the council fails to give notice of a public meeting on a request to amend within 45 days of the receipt of the prescribed information by the municipality. **The notice of appeal should be filed with the municipality.**
2. A proponent of an official plan amendment may appeal to the OMB if the council refuses or fails to act on a request to amend within 90 days of the receipt of the prescribed information by the municipality. **The notice of appeal should be filed with the municipality.**
3. **Plans exempt from approval:** If the official plan or amendment is exempt from approval, any person or public body may appeal the council's adoption within 20 days from the date the notice of adoption is given. **The notice of appeal should be filed with the municipality.**
4. **Plans not exempt from approval:** When the approval authority gives notice of decision on an official plan or amendment, any person or public body may appeal the approval authority's decision within 20 days from the date the notice of decision is given. **The notice of appeal should be filed with the approval authority.**

5. Any person or public body may appeal to the OMB, if the approval authority fails to give notice of its decision regarding part(s) or all of the plan/amendment within 90 days of the receipt of the prescribed information by the approval authority. **The notice of appeal should be filed with the approval authority.**

In your notice of appeal, you must specify if you are appealing all or part(s) of the official plan or amendment. The appeal must be accompanied by written reasons and the fee required by the OMB.

## What are the Ontario Municipal Board's powers relating to appeals?

In cases of appeal, the OMB will hold a hearing. You will be given the chance to present your case. The OMB can allow or dismiss your appeal, approve, approve as modified or refuse to approve all or part of the plan or amendment.

The OMB also has the power to dismiss an appeal without holding a hearing. (See the Ontario Municipal Board, No. 6 in the series.)

Appealing a planning decision to the OMB is a serious matter. It can take considerable time and effort and in some cases, money for everyone involved. A hearing may last only a few hours if the matter is quite simple, but for more complicated matters, a hearing can last for several days or even weeks.

The OMB will make a decision based on the facts presented at a hearing.

## What is an official plan amendment?

An official plan amendment is a formal document that changes a municipality's official plan. Changes may be needed because of new circumstances in the community or because of requests made by property owners. Most municipalities now charge a fee for processing changes requested by members of the public.

An approved official plan can be reviewed at any time, but each local council must hold a public meeting at least once every five years to look at whether the plan needs to be changed.

All amendments are proposed, discussed and processed in the same way as the original plan. As discussed earlier, when a council considers an official plan/amendment, it shall have regard to the Provincial Policy Statement issued under the Planning Act. (See the section – What is an official plan? on page 2.)

## How do you request an official plan amendment?

If you want to use your property or develop it in a way that conflicts with the municipal official plan, you will need an amendment to the plan. You should talk first to the municipal staff. They can let you know if the change is possible, what problems you might encounter and how you should apply.

When you apply to amend an official plan, you are required to submit information which is prescribed by minister's regulation as well as other additional information which the municipality may require about the amendment. The more information provided, the less likely delays will occur in the review.

You should be aware that if you do not provide all the information prescribed by minister's regulation, the municipality may refuse to accept or to further consider your request to amend, and the 90-day time frame for making a decision does not begin until all the prescribed information is received by the municipality. Contact the municipality if you need help in assessing what information is required.

If the council refuses or fails to act on your request within 90 days after the prescribed information is submitted, you may appeal to the Ontario Municipal Board by filing a notice of appeal with the municipality. The municipality must send your appeal with the accompanying materials and the appropriate fee to the OMB within 15 days of the receipt of your appeal.



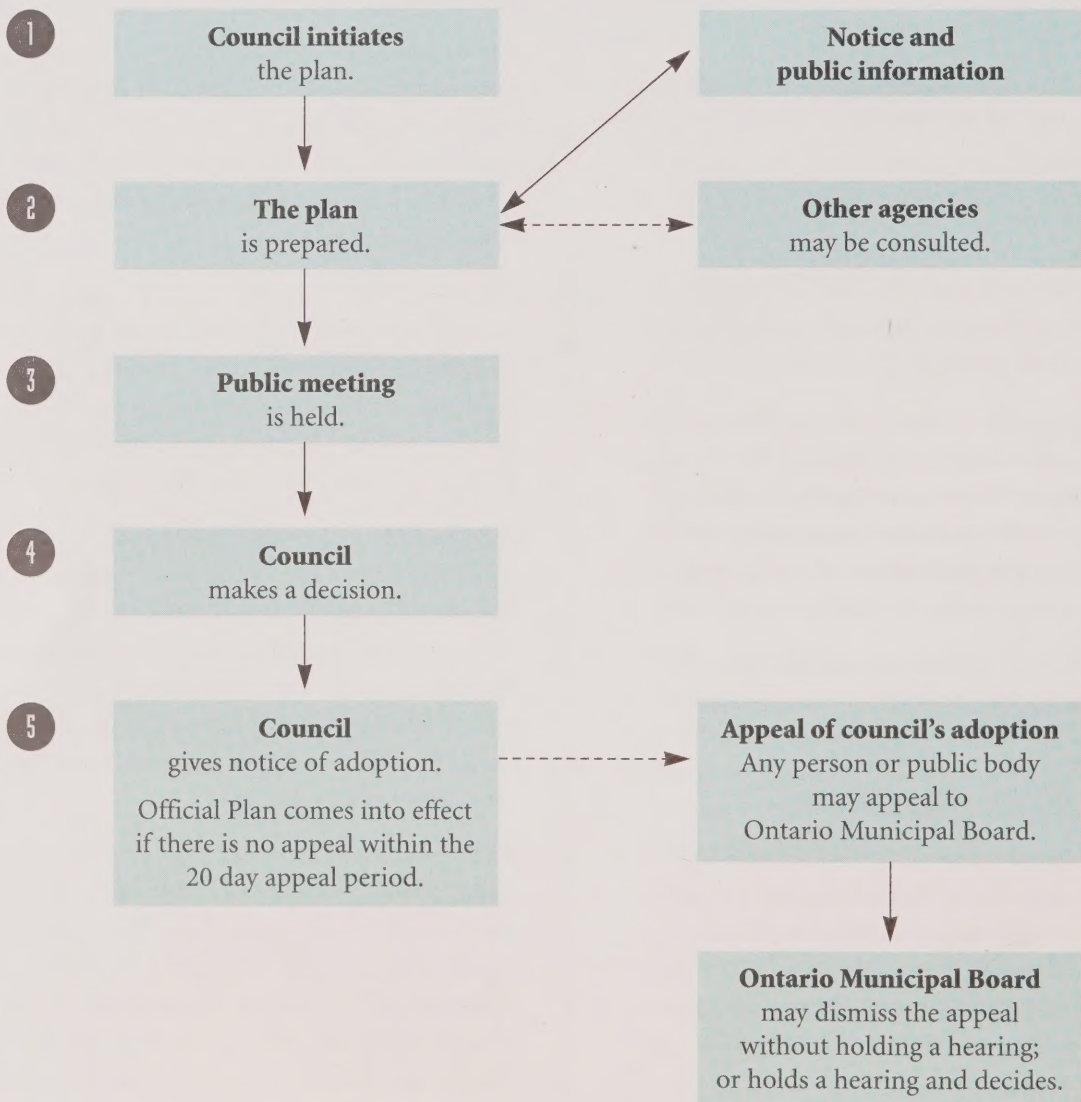
## What about northern Ontario?

The process is much the same in northern Ontario, but the responsibility for land use planning and administration outside the urban municipalities may be

carried out by a planning board. (See Northern Ontario, No. 7 in the series.)

### The Official Plan Process

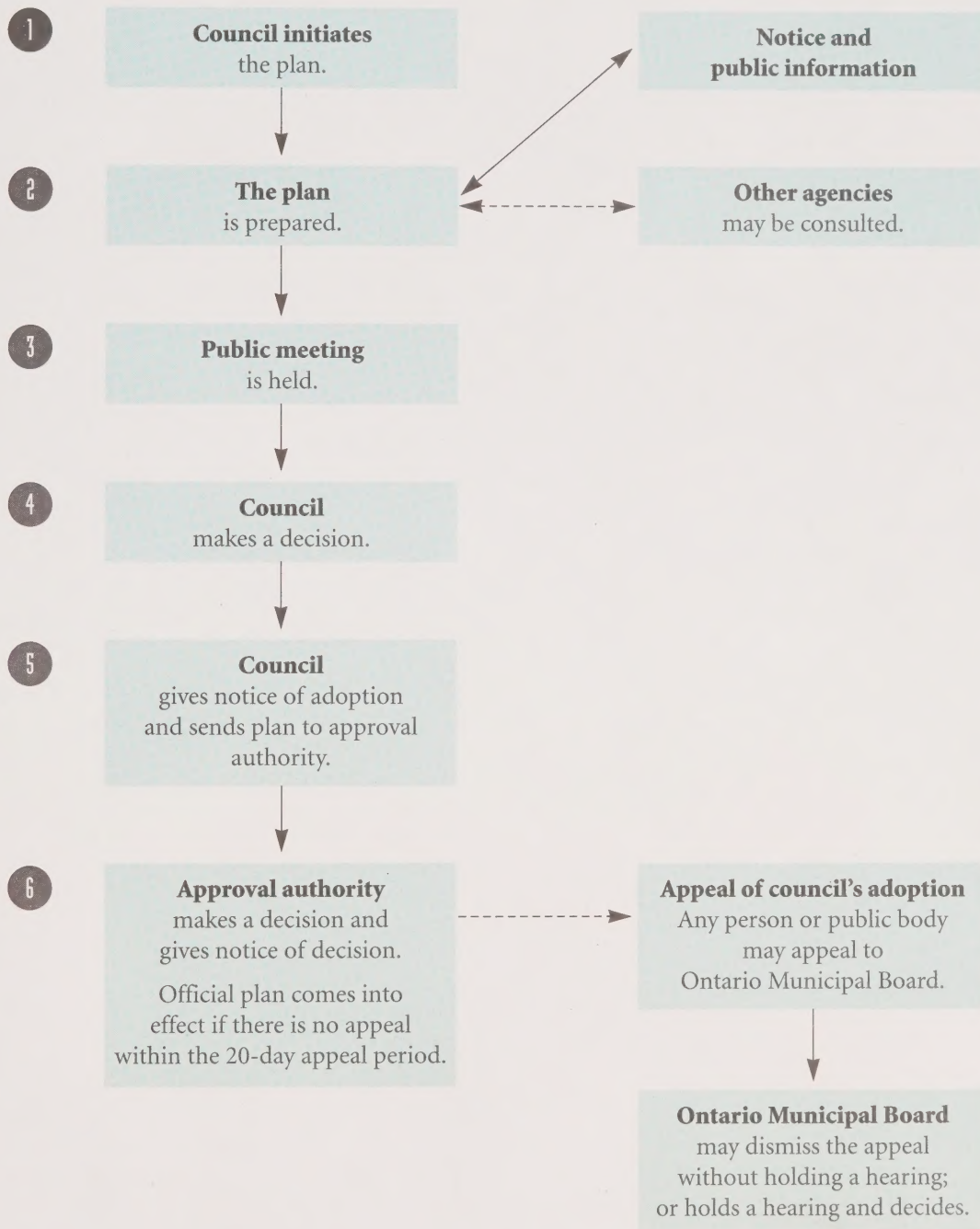
(plans exempt from approval)



# Official Plans

## The Official Plan Process

(plans not exempt from approval)



## How can you find out more?

For more information about land use planning in your community or for copies of the Citizens' Guides, contact your municipal clerk or planning department, or your nearest Ministry of Municipal Affairs and Housing office:

### Provincial Planning Services Branch

(416) 585-6014

Toll Free : 1-800-935-0696

Fax: (416) 585-4245 or 585-4006

### Planning Policy Branch

(416) 585-6235

Fax: (416) 585-6870

### Regional Operations Branch - Toronto

(416) 585-7296

FAX: (416) 585-7292

#### Eastern - Kingston

(613) 548-4304

Toll Free : 1-800-267-9438

FAX: (613) 548-6822

#### Southwestern - London

(519) 673-1611

Toll Free : 1-800-265-4736

FAX: (519) 661-1677

#### Northeastern - Sudbury

(705) 564-0120

Toll Free : 1-800-461-1193

FAX: (705) 564-6863

#### Northwestern - Thunder Bay

(807) 475-1651

Toll Free : 1-800-465-5027

FAX: (807) 475-1196

#### Central - Toronto

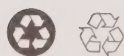
(416) 327-0017

Toll Free : 1-800-668-0230

FAX: (416) 327-0980

Copies of the Guides may also be obtained from  
**Publications Ontario** (416) 326-5300 or  
1-800-668-9938

Visit the Ministry's Internet site at:  
[www.mmah.gov.on.ca](http://www.mmah.gov.on.ca)



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